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Filing date: **09/15/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91220335
Party	Defendant Luanis S.A.
Correspondence Address	JOHN L WELCH WOLF GREENFIELD & SACKS PC 600 ATLANTIC AVE BOSTON, MA 02210 UNITED STATES jlwtrademarks@wolfgreenfield.com
Submission	Motion to Consolidate
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Date	09/15/2015
Attachments	Motion to Consolidate Four Proceedings and Reset Discovery_Trial Dates.PDF(151256 bytes )

Charles B.H. James and Louise D.B. James,  
Opposers,  
v.  
Luvanis S.A.,  
Applicant.

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v.  
Luvanis S.A.,  
Applicant.

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Opposers,  
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Luvanis S.A.,  
Applicant.

_____	)	
Charles B.H. James and Louise D.B. James,	)	
	)	
Petitioners,	)	
	)	
v.	)	Cancellation No.
	)	92060907
	)	
Luanis S.A.,	)	
	)	
Respondent.	)	
_____	)	

MOTION TO CONSOLIDATE FOUR PROCEEDINGS  
AND TO RE-SET DISCOVERY AND TRIAL DATES

Luanis S.A., by its counsel, hereby moves for an Order consolidating the four proceedings identified above, and re-setting the testimony and trial periods in the consolidated proceeding as follows:

Discovery Closes:	December 4, 2015
Plaintiffs' Pretrial Disclosures:	January 17, 2016
Plaintiffs' 30-day Trial Period Ends:	March 2, 2016
Defendant's Pretrial Disclosures	March 17, 2016
Defendant's 30-day Trial Period Ends:	May 2, 2016
Plaintiffs' Rebuttal Disclosure:	May 17, 2016
Plaintiffs' 15-day Rebuttal Period Ends:	June 16, 2016

The grounds for this motion are as follows:

The four proceedings identified above all involve the same parties and the same mark of Defendant Luanis – namely, CHARLES JAMES. Each proceeding includes a claim by Plaintiffs that Defendant's mark should be denied registration under Section 2(a) of the

Trademark Act, because it purportedly creates a false association with Plaintiffs' alleged rights in the name CHARLES JAMES. Thus there is a broad overlap between and among the four cases, and the identical Section 2(a) issue will likely be dispositive in each case.

In Opposition No. 91216176, Luanis has filed a request to extend the discovery deadline to October 4, 2015. Luanis has now served notices for the depositions of Plaintiff Charles D.B. James (September 24, 2015 in Bethlehem, Pennsylvania) and of two third-party witnesses, The Weinstein Company, LLC (September 25) and Mr. Homer Layne (September 25) (both in New York City).

In the other three proceedings, discovery is still open. Luanis has now served notices in the cancellation proceeding, for the depositions of Plaintiff Charles D.B. James (October 8, 2015) and of the same two third-party witnesses, The Weinstein Company, LLC (October 22) and Mr. Homer Layne (October 22).

Meanwhile, Plaintiffs have stated their intention to oppose Luanis's motion to extend the discovery period in the first proceeding, and they have filed a motion to consolidate and suspend the other three proceedings. In effect, Plaintiffs are attempting to prevent Luanis from obtaining the desired discovery depositions and also from obtaining follow-up discovery to the admissions, interrogatories, and document requests that it has served in the first proceeding.

As Luanis explained in its motion to extend the discovery deadline, the principal of Luanis was unavailable for much of July and all of August. His second child arrived in July, and August is the traditional vacation month in Europe. Meanwhile, Plaintiffs have been filing papers and submitting evidence in a parallel U.K. opposition proceeding and a parallel OHIM opposition proceeding. The additional time requested for discovery is needed to allow the

undersigned to confer with Luvanis, to review the various foreign filings, and to prepare the desired follow-up discovery.

In late August, the parties attempted to reach an agreement on a stipulated extension of time for the discovery period in the first opposition but were unable to reach an accord on the terms thereof. Consequently each party filed its own motion: Luvanis to extend discovery in the first case, Plaintiffs to shut down discovery in the other three cases.

Luvanis submits that the instant motion represents a fair and reasonable solution to the disagreement at hand. If the motion were granted, all four proceedings between the parties would be consolidated, Luvanis would be allowed to complete its discovery, and all four cases would move together toward a single resolution, saving the Board and the parties unnecessary time and expense.

The dates proposed by Luvanis in this motion were selected to ensure that there will be time to complete discovery in a mutually convenient manner, given the travel involved, the schedules of counsel for the parties, and the Thanksgiving holiday. [In addition, the undersigned will be on vacation for the period of November 9 through November 16]. These proposed dates also take into account the delay between the filing of this motion and the Board's decision thereon.

The undersigned respectfully submits that this motion is submitted in good faith and not for purposes of delay.

Luvanís S.A.

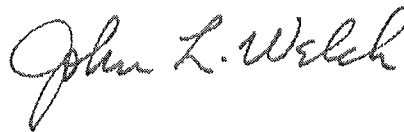


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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served upon Plaintiffs this 15th day of September, 2015, by mailing a copy thereof via first-class mail, postage pre-paid, to their counsel, Mark Lerner, Esq., Satterlee Stephens Burke & Burke LLP, 230 Park Avenue, New York, New York 10169.



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John L. Welch